

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION THIS DOCUMENT RELATES TO: WAVE 1 CASES ATTACHED ON EXHIBIT A	Master File No. 2:12-MD-02327 MDL No. 2327 JOSEPH R. GOODWIN U.S. DISTRICT JUDGE
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**PLAINTIFFS' MOTION TO EXCLUDE CERTAIN OPINIONS AND TESTIMONY OF
NICOLE FLEISCHMANN, M.D.**

Plaintiffs, pursuant to Fed. R. Evid. 702 and *Daubert*,¹ move the Court to exclude certain opinions that Nicole Fleischmann, M.D., an expert for Defendants, has set forth in her general expert report and testified about in her depositions. In support of this motion, Plaintiffs say as follows:

1. Defendants have identified Nicole Fleischmann, M.D., as an expert witness in each of the cases listed in Exhibit A to this motion.
2. Defendants have produced a general report by Dr. Fleischmann concerning Ethicon's TVT Retropubic sling.
3. Dr. Fleischmann's general report expresses opinions that exceed the scope of her expertise. Dr. Fleischmann opines on the material properties of mesh, including pore size, weave, density, degradation, and contracture or shrinkage as well as the TVT's Instructions for Use (IFU). Dr. Fleischmann is not have the necessary education, training, and experience to

¹ *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993).

testify regarding these matters. Moreover, the methodology Dr. Fleischmann employed in rendering her opinions on these subjects is unreliable.

For the reasons set forth here and in Plaintiffs' Memorandum of Law in Support of the Motion, Plaintiffs respectfully request that the Court enter an order limiting the expert testimony proffered by Nicole Fleischmann, M.D.

This 21st Day of April, 2016

By: /s/ P. Leigh O'Dell

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2016, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ P. Leigh O'Dell
Attorney for Plaintiffs